IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

C.W.P. No.19879 of 2004
Date of Decision: 17.5.2007

Chander Pal Vs. The Commissioner, Rohtak Division, Rohtak and others.

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Present : Mr.V.K. Jain, Sr.Advocate with Mr.Aman, Advocate for their petitioner.
Mr.Anil Rathee, Addl. A.G. Haryana.
Mr.R.N. Lohan, Advocate for respondent no.3.

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CORAM : HON'BLE MR.JUSTICE P. SATHASIVAM
HON'BLE MR.JUSTICE RAJIVE BHALLA

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1. Whether Reporters of Local Newspapers may be allowed to see the judgement ?
2. To be referred to the Reporters or not ?
3. Whether the judgement should be reported in the Digest ?

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RAJIVE BHALLA, J

This order shall dispose of C.W.P.Nos.19879, 20141 and 19910 of 2004, as common questions arise for adjudication.

The petitioner prays for the issuance of a writ in the nature of Certiorari, quashing the orders dated 21.1.2004 and 5.11.2004 passed by the Sub Divisional Officer-cum Assistant Collector, Ist Grade, Sonepat and the Commissioner, Rohtak Division, Rohtak. It is further prayed that a writ of Mandamus be issued, directing respondent no.2, to determine quantum of compensatin to be paid to the petitioner for cancellation of the lease deed.

The petitioner successfully bid for the lease of Gram Panchayat land. The Assistant Collector, Ist Grade, Sonepat, in the exercise of his powers under Section 10-A of the Punjab Village Common Lands (Regulation) Act, 1961, (hereinafter referred to as `the Act'), cancelled the lease vide order dated 12.7.2000. The petitioner filed an appeal. Vide order dated 28.2.2001, the appeal was dismissed.

On 16.12.2004, when the writ petition came up for hearing, the following order was passed :-

> "Counsel has not been able to point out any legal infirmity in the impugned order dated 5.11.2004 whereby the Commissioner has declined to link the case of determination of compensation with the ejectment proceedings. Faced with this situation, counsel contends that the respondents are in any case, bound to determine the compensation due to the petitioner expeditiously.
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> Notice of motion to this limited extent only for 7.4.2005."

It is, thus, apparent that the notice was issued on the plea that the respondents were bound to determine the compensation expeditiously.

We have heard learned counsel for the parties and perused the paper book.

As challenge to the impugned orders has already been declined, vide order of this Court dated 7.4.2005, the only relief that requires adjudication is, whether a direction can be issued to the Assistant Collector, Ist Grade, Sonepat, to determine the compensation. In our considered opinion, no such direction can be issued, as no material has been placed

before us, as to the stage of the proceedings regarding determination of compensation. It appears that the present petition was filed, so as to perpetuate the petitioner's unauthorised occupation. It also appears that the petitioner has not vacated the land in his possession.

Consequently, the present petition is dismissed, with no order as to costs.

(RAJIVE BHALLA)
JUDGE

17.5.2007
GS

(P. SATHASIVAM)
JUDGE